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5
6 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
7

8 JERILYN A. STONE,)

9 Plaintiff,)

10 vs.)

No.)

11 CREDITORS FINANCIAL GROUP)
12 LLC, a foreign corporation,)

13 Defendant.)

JURY DEMANDED

14 COMPLAINT

15 JURISDICTION

16 1. The jurisdiction of this Court attains pursuant to the
17 FDCPA, 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1332,
18 and the doctrine of supplemental jurisdiction. Venue lies in the
19 Southern Division of the Judicial District of Nevada as Plaintiff's
20 claims arose from acts of the Defendant(s) perpetrated therein.
21

22 PRELIMINARY STATEMENT

23 2. This action is instituted in accordance with and to
24 remedy Defendant's violations of the Federal Fair Debt Collection
25 Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA"), and
26 of related state law obligations brought as supplemental claims
27 hereto.
28

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4. As a result of these and other violations of law, Plaintiff seeks hereby to recover actual and statutory damages together with reasonable attorney's fees and costs.

5. Plaintiff, Jerilyn A. Stone, is a natural person who resides in Las Vegas, Nevada, and is a "consumer" as defined by 15 U.S.C. Section 1692a(3) and allegedly owes a "debt" as defined by 15 U.S.C. Section 1692a(5).

6. Defendant, Creditors Financial Group LLC, is a foreign corporation, the principal purpose of whose business is the collection of debts, operating a debt collection agency from its principal place of business in Aurora, Colorado, and regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is a "debt collector" as defined by 15 U.S.C. Section 1692a(6).

7. Plaintiff(s) repeat, reallege and assert all factual allegations contained in the preliminary statement to this Complaint and reassert them as incorporated in full herein.

8. Plaintiff was first contacted by Defendant during August 2007 (Exhibit 1).

1 9. On Monday, August 27, 2007, Defendant left a message on
2 the voice mail of Plaintiff's former husband, Steve Stone.

3 10. Mr. Stone has saved the message.

4 11. Defendant advised Plaintiff was to call the legal
5 department regarding Plaintiff's Bank of America account.

6 12. Defendant warned that if Plaintiff failed to comply a
7 case would be filed against Plaintiff.

8 13. Defendant left a return number, 877-298-2251, ext. 3225,
9 and also referred to case number, #5762801.

10 14. In communicating with Mr. Stone Defendant violated FDCPA
11 § 1692c(b) by unlawfully communicating with a third-party in
12 connection with the collection of Plaintiff's debt.

13 15. Defendant has violated FDCPA §§ 1692e, 1692e(2)(A),
14 1692e(5) and 1692e(10) by threatening legal action.

15 16. Defendant has violated FDCPA § 1692g by threatening a
16 legal action prior to the expiration of the thirty (30) day period
17 referenced in Exhibit 1.

18 17. The foregoing acts and omissions of Defendant were
19 undertaken by it willfully, maliciously, and intentionally,
20 knowingly, and/or in gross or reckless disregard of the rights of
21 Plaintiff.

22 18. Indeed, the foregoing acts and omissions of Defendant
23 were undertaken by it indiscriminately and persistently, as part of
24 its regular and routine debt collection efforts, and without regard
25 to or consideration of the identity or rights of Plaintiff.

26 19. As a proximate result of the foregoing acts and omissions
27 of Defendant, Plaintiff has suffered actual damages and injury,
28 including, but not limited to, stress, humiliation, mental anguish

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1 and suffering, and emotional distress, for which Plaintiff should
2 be compensated in an amount to be proven at trial.

3 20. As a result of the foregoing acts and omissions of
4 Defendant, and in order to punish Defendant for its outrageous and
5 malicious conduct, as well as to deter it from committing similar
6 acts in the future as part of its debt collection efforts,
7 Plaintiff is entitled to recover punitive damages in an amount to
8 be proven at trial.

CAUSES OF ACTION

COUNT I

12 21. The foregoing acts and omissions of Defendant constitute
13 violations of the FDCPA, including, but not limited to, Sections
14 1692c, 1692e, 1692f and 1692g.

15 22. Plaintiff is entitled to recover statutory damages,
16 actual damages, reasonable attorney's fees, and costs.

COUNT II

19 23. The foregoing acts and omissions constitute unreasonable
20 debt collection practices in violation of the doctrine of Invasion
21 of Privacy. *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp.
22 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of*
23 *Nevada, Inc.*, 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

24 24. Plaintiff is entitled to recover actual damages as well
25 as punitive damages in an amount to be proven at trial.

26 . . .

27 . . .

28 . . .

JURY DEMANDED

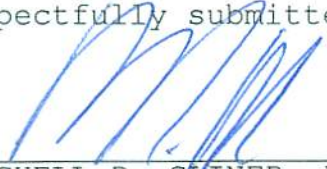
Plaintiff hereby demands trial by a jury on all issues so triable.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

1. Award actual damages.
2. Award punitive damages.
3. Award statutory damages of \$1,000 pursuant to 15 U.S.C. § 1692k.
4. Award reasonable attorney fees.
5. Award costs.
6. Grant such other and further relief as it deems just and proper.

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Respectfully submitted,



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3017 West Charleston Boulevard
Suite 95
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Attorney for Plaintiff

PO BOX 440290
AURORA CO 80044-0290

ADDRESS SERVICE REQUESTED

Reference No. 5762801 B62

Date: 08-10-07

#BWNDLZK

#A000 09R8 KKB7#

*A-3RE-AM-06403

|||||

JERILYN A STONE
4206 MISSISSIPPI AVE
LAS VEGAS NV 89103-5943

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**CREDITORS
FINANCIAL GROUP**

Toll Free: 1-877-298-2251

RE: Your account with our client
BANK OF AMERICA

Date of Service: 03-30-07

Account: 4888934999157992

Total Due: \$937.80

|||||
CREDITORS FINANCIAL GROUP
PO BOX 440290
AURORA CO 80044-0290

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

ANY CHECK RETURNED FOR INSUFFICIENT FUNDS OR ACCOUNT CLOSED
WILL BE ASSESSED A \$30.00 PROCESSING FEE

The above claim for \$937.80 has been placed with our office for collection.

In order that we may remove your name from our client's delinquent credit files, kindly forward your check or money order, made payable to - Creditors Financial, in the enclosed envelope. Contact our toll free number listed above with any questions or concerns.

Respectfully,

Rahman Raji

Unless you, the consumer, notify this collection agency within thirty (30) days after receipt of this notice that you dispute the validity of the debt or any portion thereof, the debt will be assumed to be valid by this collection agency. If you, the consumer, notify this collection agency in writing within thirty (30) days after receipt of this notice, that the debt or any portion thereof is disputed, this collection agency will obtain verification of the debt or a copy of a judgment against you and a copy of such verification or judgment will be mailed to you by this collection agency. Upon your written request within thirty (30) days after receipt of this notice this collection agency will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE
WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM

EXHIBIT 1

Creditors Financial Group
3131 South Vaughn Way Ste 110
Aurora, CO 80014
303-369-2345

Office Hours:
Monday - Thursday 7:00 am - 7:00 pm
Friday 7:00 am - 5:00 pm
Saturday 7:00 am - 12:00 Noon
Sunday Closed